SW/Corner Reisterstown Road and Old Court Road (1504 Reisterstown Road) 3rd Election District 2nd Councilmanic District

* ZONING COMMISSIONER * OF BALTIMORE COUNTY

* * * * * * * * * * * *

MHL Realty Company Petitioner

* Case No. 94-171-A

* BEFORE THE

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the subject property known as 1504 Reisterstown Road located in the Pikesville area of Baltimore County. The Petition was filed by the owner of the property, MHL Realty Company, by Miriam Rudich, Partner, and the Contract Lessee, Marjeff, Inc., by Marc Komins, President, through their attorney, F. Vernon Boozer, Esquire. The Petitioners seek relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.2 to permit 124 parking spaces in lieu of the required 168 spaces; from Section 409.8.4 to permit parking setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet; from Section 413.2.A to permit a total canopy sign area of 595 sq.ft. in lieu of the maximum permitted 488.8 sq.ft.; and, from Section 413.2.E to permit an identification sign of 208 sq.ft. in lieu of the maximum permitted 150 sq.ft. The subject property and the relief requested are more particularly described on the site plan submitted into evidence as Petitioner's Exhibit

Rudich on behalf of MHL Realty Company, property owner, and Marc komins, President of Marjeff, Inc., Contract Lessee. The Petitioners were represented by Thomas P. Dore, Esquire. Appearing as interested parties in the matter were Gabriel W. Rosenbush, Jr., on behalf of the Pikesville Chamber

Appearing at the public hearing held in this matter were Jerome

of Commerce, and Jay Leventhal who owns and operates Bedford Cleaners and Cobblers, Inc. within the subject site.

Testimony and evidence offered revealed that the subject site consists of approximately 2.0 acres, zoned B.L.-C.T., and is located at the intersection of Reisterstown Road and Old Court Road near the center of the Pikesville commercial district. Presently, the property is improved with a one-story masonry building which has existed on the site for some time. The property supports a number of retail uses within the building, the largest of these being a Staples Office Supply store. However, there is also a dry cleaning business, gift shop, hair salon and similar uses on the property. The subject Petition was actually filed by Marjeff, Inc., a sub-tenant of the Staples Office Supply store. Marjeff, Inc. operates the business known as Greenie's Billiard Sports Arena which is located in the basement of the structure on this site. On behalf of Marjeff, Mr. Komins testified that Greenie's has existed at the subject location for approximately 1.6 years. He noted that Greenie's is a billiard hall and that the business contains 20 pool tables, 3 ping pong tables, and 3 large screen televisions for its customers. Mr. Komins stated the business is open 24 hours a day, 7 days a week, with most of the patronage between the hours of 8:00 PM and Midnight. This works well with the other tenants on the subject site in that those retail/service uses are open during traditional business hours. Thus, Mr. Komins opined that this business does not adversely affect traffic and customer flow to other tenants on the site.

Mr. Komins' testimony was corroborated by Jay Leventhal, the proprietor of Bedford Cleaners and Cobblers, Inc. which also leases space on this site. Mr. Leventhal indicated that there were no parking problems brought about by the operation of the pool hall. He indicated his main

- 2-

35

ကြော်မို

Oro Fred

reason for attending the hearing was to legitimize a temporary sign which faces the rear of the site and Bedford Avenue advertising his business. Mr. Leventhal testified that this sign is necessary due to the hidden location of his business.

As to the variances requested, two relate to parking requirements. The first seeks a numerical variance of 44 spaces. Specifically, the Petitioner shows 124 spaces provided on site in lieu of the required 168. The second parking variance relates to setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet for parking on the north side of the property. It is to be noted that these two variances seek to legitimize an existing situation. That is, the parking area has been in its present configuration for many years and the Petitioner is not redeveloping the site. As to the variance relating to the number of spaces provided, the testimony of Mr. Komins was particularly persuasive. As noted above, his business operates at off-peak traditional business hours. That is, when most of his customers arrive, typically on weekend evenings, the other businesses on the site are closed. Thus, they do not compete for parking spaces and the number of spaces appears sufficient. As to the setback variance, same is necessary to legitimize the existing parking configuration and those spaces on the north side of the property. Were the variance to be denied, a number of spaces would be lost and parking made particularly difficult In view of this, I am persuaded to grant both parking variances.

As to the sign variances, the first relates to business signage requirements set forth in Section 413.2.E of the B.C.Z.R. which limits total signage to 150 sq.ft. This amount is exceeded by an existing sign on the front of the site facing Reisterstown Road. As shown on the site plan, that sign, which appears modest and consistent with other signage in

the area, totain 208 sq.ft. in area. This variance appears appropriate there are view of the number of terminate on the cute, the one of this property. and highage in the area. The other variance relates to the Staples on the store front canopy. This sign exceeds the permitted decoming to in that name totals 59% sq.ft in area. It is associated the ones. oquit. Greense's sign which directs patross to that extablishment. A with the parking variances, both of the ough variances, are appropriate and should be granted. Again, they appear consistent with existing signages and the long-standing use of this property

As in many of the cames involving property in Europe, i.e., the Pikenville Chamber of Commerce took interest in the out set betition and Mr. Gabriel Rosemburn from that office appeared. His office supports the variance relief requested; towever, it suggests certain restrictions seimposed. The first relates to a request that the letituder of the increased lighting around the property and that lighting on the premiden not be extinguished before 11:00 PM evenings. This request is wide to keep the Pikesville towncenter well of during evening bours to attract more customers and to discourage crime. In that the property owner is agreeable to this restriction, same shall be invorporated hereinafter.

The second restriction is one that has been requested by the Chamber on prior occasions. Specifically, it asks for a restriction that the relief requested be utilized within two years of the date of the approval or lost. Unlike a specia, exception, a variance is not conditional upon a given use or construction on the property. Thus, this restriction is neither practical nor logical. Clearly, the property has been used in its current fashion for some time. Moreover, the tenants on this site

O Dat

will remain, assuming that the businesses continue to flourish. I will therefore decline adopting this particular restriction.

As to the other proposed restrictions, the Chamber requests that this property owner be required to enter into an agreement with any private parking provider in the event public parking garages are constructed near this site. Testimony and evidence offered in this case was that the parking lot on this property is not fully used at this time because of the differing peak hours of the various businesses. In view of this fact, the property does not appear to create parking congestion in the Pikesville area on the whole. I will therefore not require the Petitioner to obtain off-site parking arrangements.

Lastly, it need not be said that any other signage, be it permanent or temporary in nature, must comply with all applicable zoning regulations and secure the necessary permits. This addresses the other restrictions presented by Mr. Rosenbush as well as Mr. Leventhal's comments. The relief granted herein is as shown on the site plan. Temporary signs will be regulated pursuant to the B.C.Z.R. and regulations promulgated by the Department of Permits and Licenses.

The final restriction requested by Mr. Rosenbush relates to the recent renovation of the Pikesville streetscape. Specifically, the streetscape of Reisterstown Road has recently been renovated and additional plantings have been installed. I will not require the Petitioner to maintain that streetscape, although it must obviously maintain its property in a reasonable manner consistent with the provisions of the B.C.Z.R. Adding a restriction requesting subjective cleaning and maintenance of the property is difficult to enforce and impractical

- 5-

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome:
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variances are not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the

Pursuant to the advertisement, posting of the property and public hearing on this Petition held, and for the reasons set forth above, the relief requested shall be granted.

- 6-

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of February, 1994 that the Petition for Variance seeking relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 409.6.A.2 to permit 124 parking spaces in lieu of the required 168 spaces; from Section 409.8.4 to permit parking setbacks of 1.6 feet and 8 feet in lieu of the required 10 feet; and from Section 413.2.A to permit a total canopy sign area of 595 sq.ft. in lieu of the maximum permitted 488.8 sq.ft., and from Section 413.2.E to permit an identification sign area of 208 sq.ft. in lieu of the maximum permitted 150 sq.ft., in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.
- 2) Pursuant to the request made by the Pikesville Chamber of Commerce, the Petitioner shall consider increased lighting around the property. Furthermore, all lighting on the premises shall not be extinguished before 11:00 PM evenings.
- 3) Besides the sign variances granted herein, any other signage, be it permanent or temporary in nature, must comply with all applicable zoning regulations. The Petitioner shall secure the necessary permits for any future signage on the premises.
- 4) When applying for any permits, the site plan filed must reference this case and set forth and address the restrictions of this Order.

- 7-

Zoning Commissioner for Baltimore County

CEIVED FOR

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 113 Courthouse 400 Washington Avenue Towson, MD 21204

February 08, 130.

(410) 887 4356

Thomas P. Dore, Esquire 614 Bosley Avenue Towson, Maryland 21204

RE: PETITION FOR VARIANCE SW/Corner Reisterstown Road and Old Court Road (1504 Reisterstown Road) 3rd Election District - 2nd Councilmanic District MHL Realty Company - Petitioner Case No. 94-171-A

Dear Mr. Dore:

LES:b)s

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

cc: Mr. Jerome Rudich, c/o MHL Realty Company P.O. Box 425, Stevenson, Nd. 21153

Mr. Marc Komina 1510 Reisterstown Road, Baltimore, Md. 21208

Mr. Gabriel W. Rosenbush, Jr., Pikesville Chamber of Commerce 7 Church Lane, Baltimore, Md. 21208

Mr. Jay Rosenthal, President, Bedford Cleaners 1501 Bedford Avenue, Baltimore, Nd. 21208 People's Counsel; File

ORDER RECEIVED FOR Date



to the 7 hing Commissioner of Laltimore County

for the property located at 1504 Reisterstown Rd., Pikesville, MD 21208

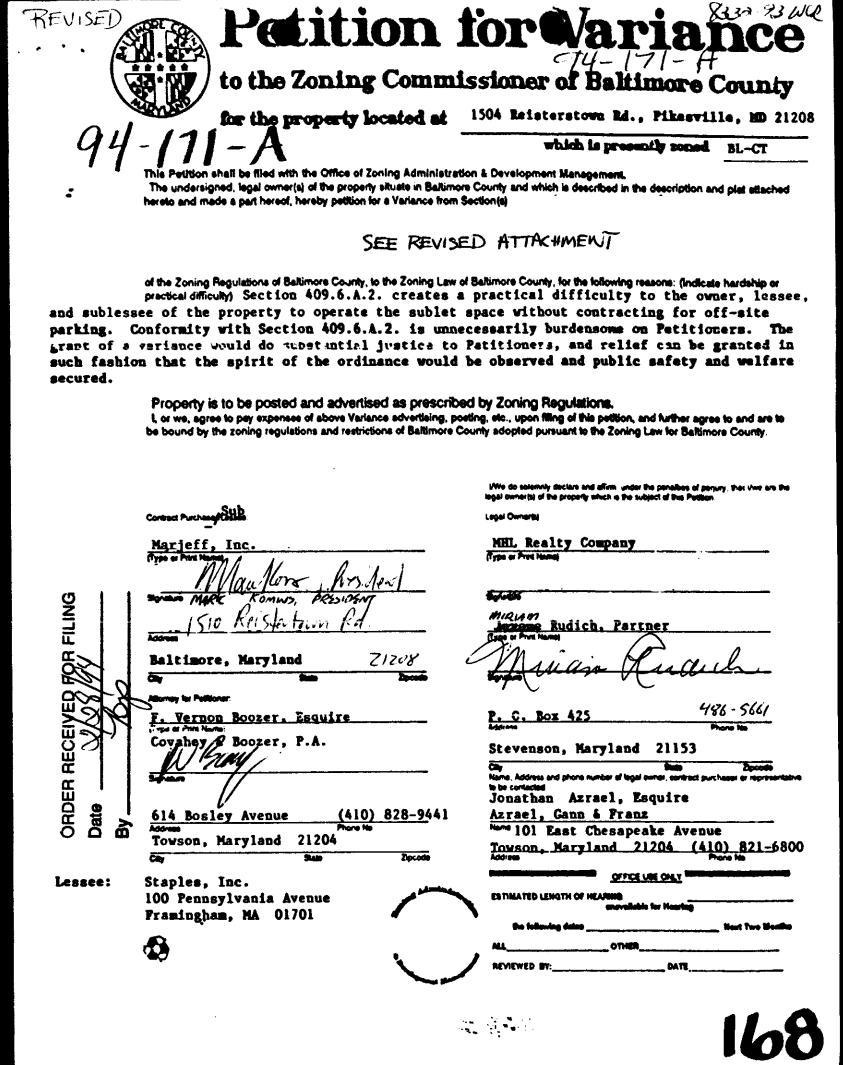
which is presently mosel BL-CT

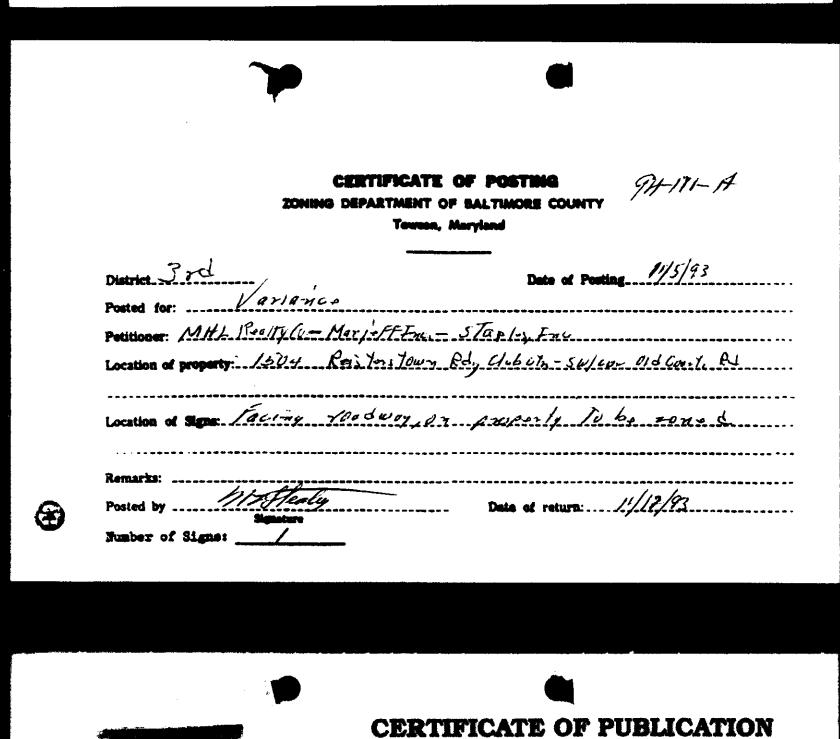
This Petition shall be filed with the Office of Zoning Administration & Development Management,
The undersigned, legal owner(s) of the properly situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 409.6.A.2, 413.2 & 409.8

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty) Section 409.6.A.2. creates a practical difficulty to the owner, lessee, and sublessee of the property to operate the sublet space without contracting for off-site parking. Conformity with Section 409.6.A.2. is unnecessarily burdensome on Fetitioners. The grant of a variance would do substitutiel justice to Petitioners, and relief can be granted in such fashion that the spirit of the ordinance would be observed and public safety and welfare secured.

> Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, poeting, stc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Con	one Archang SHD	LWe do solemnly declare and affirm, under the penalties of pequiposal owner(s) of the properly which is the subject of this Petition. Legal Owner(s)	ry, that the are the
	arjeff, Inc.	MHL Realty Company (Type or Pret Name)	
900	1 Ste Keister king Koga	MIRIAM Rudich, Parties	
	altimore, Maryland 2/208	Pariasa Judice	L
Ano	my to Amore (963)	* A .) L	66/
	FORM (ON PLAT	ONLY)	Zpcode
Ādd	No PHONE N		
Ca,	OWSON, M 4 NEED PRINT	™	821-6800
100	O Pennsy aminghar	Saphia -	Heat Two Months
₩.	No KEVIEW		
OLD SEE REI	10-18-93 USION WCR		168





 <u> </u>
CERTIFICATE OF PUBLICATION
TOWSON, MD., Nov. 5 , 1993
THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of successive
weeks, the first publication appearing on
THE JEFFERSONIAN,
a. Henrikean
. ,, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,
LEGAL AD TOWSON Publisher
Σ.

REVISED ATTACHMENT TO ZONING PETITION

A variance is hereby requested from the requirements of the following sections of the Baltimore County Zoning Ordinance:

(1) From Section 409.6.A.2, variance to permit 124 parking spaces in lieu of the required 168 parking spaces.

(2) From Section 413.2(a), variance to permit 595 square feet of total canopy sign area in lieu of the permitted 488.8 square feet.

(3) From Section 413.2(e), variance to permit identification sign area of 208 square feet in lieu of the permitted 150 square feet.

From Section 409.8(4), variance to permit parking setbacks of 1-1/2 feet and 8 feet in lieu of the required 10 feet.

16'gab, 14

engineers/architects/planners/scientists/construction/managers

ZONING DESCRIPTION OF MHL REALTY COMPANY PROPERTY FOR MARJEFF, INCORPORATED SOUTHERLY INTERSECTION OF REISTERSTOWN ROAD AND OLD COURT ROAD PIKESVILLE, ELECTION DISTRICT NO. 3, COUNCILMANIC DISTRICT NO. 2

BALTIMORE COUNTY, MARYLAND

A Sander & Prome

Art on A good

At In mound in

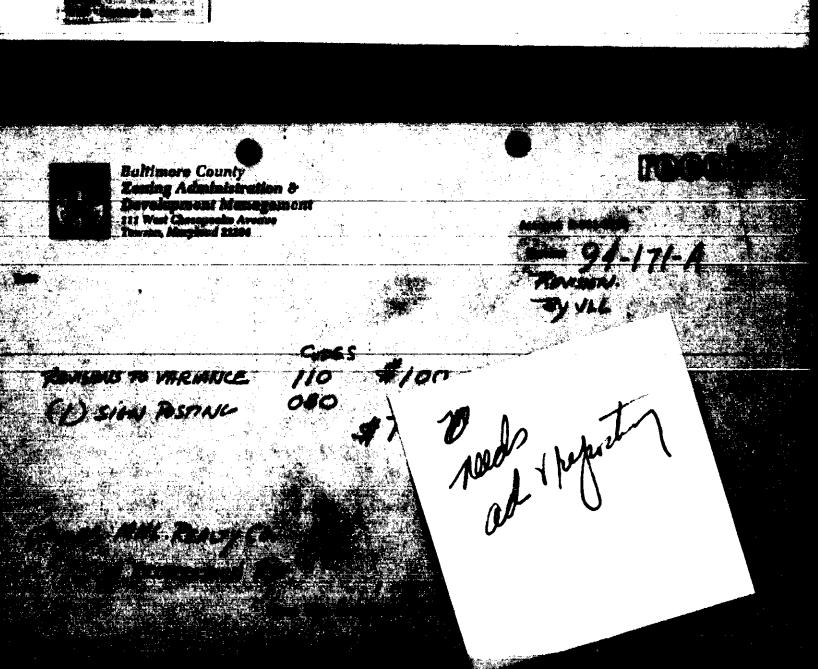
OF THEREDOLES

BEGINNING at a point along the southwesterly side of Reisterstown Road, Maryland Route No. 140 (66 feet wide), said point being distant South 42°06'00". East 240 feet from the existing centerline of Old Court Road (78 feet wide), said point having coordinates of North 29,276 835. West 31,267.689 as based on the B.C.M.D. Grid Meridian, thence leaving Reisterstown Road and running for the six following courses and distances:

- South 47°54'00" West 149.97 feet to a point, thence,
- 2. South 42°06'00" East 52.18 feet to a point, thence along the former northerly side of a roadway known as Clovelly Road,
- South 70°40'00" West 65.06 feet to a point, and,
- South 70°34'00" West 48.33 feet to a point, and,
- 5. North 87°55'00" West 97.08 feet to a point, and,
- 6. North 75°12'50" West 50.16 feet to a point to intersect the northeasterly side of Bedford Avenue (60) feet wide), thence along same, the four following courses and distances, by a curve to the left having,
- 7. A radius of 250.00 feet, an arc length of 23.34 feet, said curve being subtended by a chord bearing North 61°08'08" West 23.33 feet to a point of reverse curvature, thence by a curve to the right having.
- 8. A radius of 164.37 feet, an arc length of 113.09 feet, said curve being subtended by a chord bearing North 44°04'37" West 110.87 feet to a point, thence,
- 9. North 24°40'30" West 59.95 feet to a point, thence,

M. Gerramon's Court, Baltimore, MD MATES W. 194 Sept. 911 911 Sept. 420 Sept. 8 94.

CERTIFICATE OF PUBLICATION THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of ____ successive weeks, the first publication appearing on 12/23, 19/3THE JEFFERSONIAN. 1. Henrikan LEGAL AO. TOWSON



receipt 94-171- A DROP-CHY: NO REVIEW Legal Owner: MEL Realty Company Contract Purchaser/Sub-Lesses: Harjeff, Inc. Lesses: Staples, Inc. 1504 Reisterstown Road District: 3e2 SEPARATE ENCHIPT Atterney: F. Vernon Booses 01A0180082NICHRC BA C011:28AN10-20-93



10. North 23°06'17" East 13.44 feet to a point to intersect the southeasterly side of the aforementioned Old Court Road, thence along same, the five following courses and

North 71°34'59" East 39.55 feet to a point, thence,

North 65°54'42" East 91.15 feet to a point, thence by a curve to the left having,

13. A radius of 1,834.00 feet, an arc length of 130.80 feet, said curve being subtended by a chord bearing North 62°43'35" East 130.77 feet to a point, thence,

14. North 60°41'20" East 57.75 feet to a point, thence,

15. South 77°26'40" East 47.07 feet to a point to intersect the aforementioned southwesterly side of Reisterstown Road, thence along same,

16. South 42°06'00" East 168.28 feet to the point of beginning.

CONTAINING 87,145 square feet or 2.0006 acres of land, more or less, as surveyed by STV GROUP on August 21, 1992, and referred to in deed Liber E.H.K., Jr. No. 6304, folio 685, etc.

Mark A. Riddle

94-171-A

MD Professional Land Surveyor No. 10899



TO: PUTUXENT PUBLISHING COMPANY November 4, 1993 Issue - Jeffersonian

Please foward billing to:

F. Vermon Boozer, Esq. 614 Bosley Avenue Towson, Maryland 21204 410-828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168)

1504 Reisterstown Road - "Club Centre" SW/C Reisterstown Road and Old Court Road (Route 133), which is 240° E from c/l of (Old) Old Court Road 3rd Election District - 2nd Councilmanic Petitioner/Owner: MHL Realty Company

Petitioner/Sub-Lessee: Marjeff, Inc. Petitioner/Lessee: Staples, Inc.

Variance to permit 595 sq. ft. of total canopy sign area in lieu of the permitted 488.8 sq. ft.; to permit identification sign area of 208 sq. ft. in lieu of the permitted 150 sq. ft.; to parking setbacks of 1-1/2 ft. and 8 ft., in lieu of the required 10 ft.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 9:00 a.m. in Rms. 106, County Office Building.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

111 West Chesapeake Avenue

F. Vernon Boozer, Esquire

RE: Case No. 94-171-A, Item No. 168

and a hearing was scheduled accordingly.

Petitioner: MHL Realty Company, et al

Covahey & Boozer, P.A.

614 Bosley Avenue Towson, Maryland 21204

Dear Mr. Boozer:

on this case.

with this office.

Variance

Towson, MD 21204

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government

Office of Zoning Administration

and Development Management

November 12, 1993

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional

submitted with the above referenced petition. The attached comments from

each reviewing agency are not intended to indicate the appropriateness of

the zoning action requested, but to assure that all parties, i.e., zoning

commissioner, attorney and/or the petitioner, are made aware of plans or

problems with regard to the proposed improvements that may have a bearing

comments are received from other members of ZAC, I will forward them to

you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on October 18, 1993,

The following comments are related <u>only to the filing of future</u> <u>zoning petitions</u> and are aimed at expediting the petition filing process

1. The director of Zoning Administration and Development Management

the necessity of a preliminary review by zoning personnel.

has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without

(410) 887-3353

Petition for

Baltimore County Government Office of Zoning Administration and Development Management



111 West Chesapeake Avenue Towson, MD 21204 OCTOBER 29, 1993

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168) 1504 Reisterstown Road - "Club Centre" SW/C Reisterstown Road and Old Court Road (Route 133), which is 240' E from c/l of (Old) Old Court Road 3rd Election District - 2nd Councilmanic Petitioner/Owner: MHL Realty Company Petitioner/Sub-Lessee: Marjeff, Inc.

Variance to permit 595 sq. ft. of total canopy sign area in lieu of the permitted 488.8 sq. ft.; to permit identification sign area of 208 sq. ft. in lieu of the permitted 150 sq. ft.; to parking setbacks of 1-1/2 ft. and 8 ft., in lieu of the required 10 ft.

HEARING: TUESDAY, NOVEMBER 23, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Petitioner/Lessee: Staples, Inc.

Marjeff, Inc.

F. Vernon Boozer, Esq.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED (DO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Printed with Soybean Ink on Recycled Paper

BALTIMORE COUNTY, MARYLAND INTEROFFICE CORRESPONDENCE

TO: Arnold Jablon, Director DATE: November 8, 1993 Zoning Administration and Development Management

FROM: (Pobert W. Bowling, Senior Engineer Development Plan Review Section

Zoning Advisory Committee Meeting for November 8, 1993 Item No. 168

The Development Plan Review Section has reviewed the subject zoning item. We recommend to the Zoning Commissioner that a supplemental landscape plan be required that combines the existing landscaping with proposed landscaping that meets the Landscape Manual standards.

The existing access off Old Court Road needs to be closed permanently and the "angled" parking spaces along Old Court Road should be changed to "perpendicular" spaces. This would provide for some additional parking spaces.

RWB: 6

TO: PUTUXENT PUBLISHING COMPANY December 23, 1993 Issue - Jeffersonian

Please foward billing to:

F. Vermon Boozer, Esq. 614 Bosley Avenue Towson, Maryland 21204 410-828-9441

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 94-171-A (Item 168) 1504 Reisterstown Road - "Club Centre" SW/C Reisterstown Road and Old Court Road (Route 133), which is 240° E from c/l of (Old) Old Court Road 3rd Election District - 2nd Councilmanic Petitioner/Owner: MHL Realty Company Petitioner/Sub-Lessee: Marjeff, Inc. Petitioner/Lessee: Staples, Inc. MHL Realty Company

Variance to permit to permit 124 parking spaces in lieu of the required 168 parking spaces; to permit 595 square feet of total canopy sign area in lieu of the permitted 488.8 square feet; to permit identification sign area of 208 square feet in lieu of the permitted 150 square feet; and to permit parking setbacks of 1-1/2 feet and 8 feet in lieu of the required 10 feet.

HEARING: THURSDAY, JANUARY 13, 1994 at 9:00 a.m. in Rm. 118, Old Courthouse.

LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353. (2) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government Office of Zoning Administration and Development Management

Towson, MD 21204

111 West Chesapeake Avenue

(\$10) 887 3353

NOTICE OF HEAPING

The Zoning Commissioner of Baltimore County, by autocraty of the Donard Ret and Regulations of Baltimore County, will held a public meaning on the property identified merels in Room 106 of the County Office Building, 111 W. Thesapeake Avenue in Transin, Maryland 21284

Room 118, Old Courthouse, 400 Washington Avenue, Tomaco, Maryland 21294 as follows

CASE MRMBER: 94-171 A (Item 168) 1504 Relateratown Road - "Club Centre" SW/C Reinterstown Road and Old Court Road (koute 155), which is 240' E from c/1 of (33) 514 Court Road

3rd Election District 2nd Councilmanic Petitioner/Owner: Mil. Realty Company

Petitioner/Sub-Lessee: Marjeff, Inc. Petitioner/Lesses: Staples, Inc.

MHL Realty Company HEARING: THURSDAY, JANUARY 13, 1994 at 9:00 a.m. in Rm. 118, 014 Courthrappe

Variance to permit to permit 124 parking spaces in lieu of the required 168 parking spaces; to permit 595 equate feat of total campy sign area in lieu of the permitted 455.5 where feat, to permit identification sign area of 208 square feet in lieu of the permitted 150 square feet; and to permit parking setbacks of 1-1/2 feet and 8 feet in lieu of the required 10 feet.

cc: Jonathan Azreal, Esq. Marjeff, Inc. Staples, Inc. Roger J. Sullivan, Esq.

MOTES: (1) ZONTING SIGN & POST MOST BE RETURNED TO RM. 104, 111 W. CHESAPPARE AVENUE ON THE HEADING DATE. (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMPODATIONS PLEASE CALL 887-3353. (3) FOR IMPORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.





O. James Lighthizer Secretary Hal Kassoff

Ms. Charlotte Minton Zoning Administration and Development Management County Office Building Room 109 111 W. Chesapeake Avenue Towson, Maryland 21204

Dear Ms. Minton:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.



INTER-OFFICE CORRESPONDENCE

DATE: November 1, 1993

Arnold Jablon, Director Zoning Administration and Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s): Item Nos. 144, 167, , 169, 172, 175, 176 and 177.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

111 West Chesapeake Avenue Towson, MD 21204

NOVEMBER 12, 1993

(410) 887-3610

Arnold Jablon Director Zoning Administration and Development Management Baltimore County Office Building Towson, MD 21204

MEETING OF NOVEMBER 1, 1993

Property Owner: MHL Realty Company Location: #1504 Reisterstown Road Item No.: +168 (WCR)

Property Owner: John Buxton and Margaret Buxton #7702 Park Drive Location: Item No.: * 169 (RT)

Property Owner: Edward C. Chavatel & Virginia H. Chavatel #32 Fleasant Hill Road + 170 (RT) Item No.:

Property Owner: Lea Anne Dunton & Gary C. Dunton Location: #803 Katesford Road

Item No.: *171 (JMC) Property Owner: Steven W. Heiger &v Peggy A. Heiger

#23 Glasshouse Garth Location: Item No.: *172 (JRF) Property Owner: Powerline Investments, Inc.

#1704 Middleborough Road 173 (JLL) Item No.: Property Owner: Powerline Investments, Inc.

#1702 Middleborough Road Location: Item No.: 174 (JLL)

Property Owner: Carol A. Grillo and Philip R. Grillo Location: #100 Armagh Drive Item No.: * 175 (JCM)

Property Owner: Margaret Chenoweth & Donald L. Chenoweth & Edward Chenoweth

Lot Behind #2927 Chenoak Avenue Location: Item No.: +176 (RT)

Printed with Soybean Ink on Recycled Paper

Location:

Baltimore County Government Office of Zoning Administration and Development Management

1504 Reisterstown Road

(410) 887-3353

111 West Chesapeake Avenue Towson, MD 21204

OCTOBER 29, 1993

F. Vernon Boozer, Esq. 614 Bosley Avenue Towson, Maryland 21204

CASE NUMBER: 94-171-A ITEM NUMBER: 168

LOCATION:

Dear Mr. Boozer:

Pursuant to review by Mr. Richards and/or his staff, the above matter has been incompletely rendered. Notwithstanding, it was processed through the system; enclosed you will find either a "Notice of Hearing" or "Notice of Case Number Assignment".

Be advised that the closing/hearing date, as indicated on the enclosed "Notice", will stand only if proper documentation is received within two weeks of the date of this letter. Alternatively, this case will be moved four to five weeks further out. To avoid such a delay, you must provide the following:

New petition forms:

Containing both the signature and printed name of the contract purchaser. (Companies include signatory's title)

Signed by all parties, listing all addresses and telephone numbers.

Outling the relief sought on the face of the petition.

DIRECTOR AJ:ggs

ZAC.168/PZONE/ZAC1

94-171-A BALTIMORE COUNTY, MARYLAND

EGEIVE

ZONING COMMISSIONER

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director Zoning Administration & Development Management

FROM: Pat Keller, Deputy Director Office of Planning and Zoning

DATE: December 15, 1993 SUBJECT: 1504 Reisterstown Road

INFORMATION:

Item Number: Petitioner:

Property Size: Zoning:

SUMMARY OF RECOMMENDATIONS: Staff has previously provided comments in reference to this property. No addi-

tional comments are offered regarding the amended petition.

Printed with Soybean Int. on Baryclad Paper

Baltimore County Government Office of Zoning Administration and Development Management

(410) 887-3353

November 4, 1993

F. Vernon Boozer, Esquire Covahey & Boozer, P.A. 614 Bosley Avenue Towson, MD 21204

111 West Chesapeake Avenue

Towson, MD 21204

RE: Preliminary Petition Review (Item #168) Legal Owner: MHL Realty Company Sub-Lessee: Marjeff, Inc. 1504 Reisterstown Road 3rd Election District

Dear Mr. Boozer:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

The petition forms are incomplete:

No telephone number listed for legal owner.

2. Need printed name and title for Contract Purchaser/Sub-Lessee.

F. Vernon Boozer, Esquire November 4, 1993

> 3. There is no wording regarding what is being requested on the front of the petition form. Incomplete variance wording appears only, in scattered locations, on the plat. Due to the fact that several variances are involved, the plan must have all requested variance hearings listed under a zoning variance request heading. All requests must agree on the plan and the petition forms and include the Section number being varianced with the provided non-compliance and the relief requested indicated. (For example, Section # (BCZR) to permit number of feet or whatever in lieu of the required number of feet or whatever. Be aware that it must be clear that this is a shopping center of at least 3 separate business uses and if so, Section 413.2.E (BCZR) permits 150 square feet of sign per face for a shopping center ID sign.

See the enclosed mark-up copy of the checklist for zoning hearings for all plan deficiencies, which must be resolved.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Enclosures

cc: Zoning Commissioner

MARK UP CHEER LIST.

HEARING

REVISED 5/92

This checklist is provided to you, for your information only, and is not to be considered legal advice.

First, and most importantly: You must understand that the hearing you have requested is a quasi-judicial hearing and you are responsible for meeting the burden of law required by the Baltimore County Zoning Regulations (B.C.Z.R.). A judicial hearing is an adversary process and, therefore, there may be opposition to your request. During a judicial hearing, the parties will be permitted to testify. present evidence and cross-examine witnesses. Either the Zoning Commissioner or the Deputy Zoning Commissioner will rule on the evidence and testimony to determine whether or not the petition will be granted.

Second: You must understand that you are permitted to have representation by an attorney of your choice. You are not required to have an attorney, but it is recommended that you consider obtaining legal representation. But, if you are incorporated, it is considered a requirement that you be represented

Third: It is strongly recommended that you read and understand the requirements of the Baltimore County Zoning Regulations.

Fourth: No employee of the Baltimore County Office of Zoning Administration and Development Management may provide legal advice to anyone. The representatives and opinions of any employee are not to be construed as definitive in any case. Only the decision of the Zoning Commissioner rendered after the statutory required public hearing is considered dispositive in matters relating to the interpretation of the B.C.Z.R.

Even though there may not be opposition in a given case, your request may be denied.

For further information or to make an appointment, please contact:

Baltimore County Office of Zoning Administration & Development Managemen Development Control 111 West Chesapeake Avenue Room 109 Towson, ND 21204

Non-Residential **Properties**

Special Exception

111 West Chesapeake Avenue

F. Wernen Beezer, Eugene

Towson, Maryland 2:264

PEC Cana No. 94-17, A. Itam tellifor

Petition for Variance

1504 Pelateratown Poud

614 Bonley Average

Dear Mr. Boozer:

887-3391.

Enclosure

Towson, MD 21201

12 copies required. The plat shall be legible and clear enough for micro filming and in no case can it be larger than 24" x 36". It may be necessary for the plat to be produced in sertions It shall contain all the information as set forth on the checklist as follows: 3. MORTH ARROW, ELECTION DISTRICT, COUNTY COUNCIL DISTRICT, TITLE PLAN TPLAN TO

Baitimore County Government

Contraction of the Contraction

Enclosed are copies of comments received from the style of

Planning and Zoning on December 20, 1965 for the areve reterested care.

. If there are any questions, poeare de rot secutate to caso caso e

Car Great .

May garage may be a factor

ZONING COVIII

Office of Zoners, Administrator, and Development Management

ACCORPANY..... REARING AND THE OWNER'S HAVE AND ADDRESS AND ALSO THE PROPERTY ADDRESS. 2. SCALE OF DRAWING: 1" = 20' or 1" = 50'. If acreage exceeds 40 acres, use 1" = 100'

OUTLINE OF PROPERTY: Indicated by a heavy hold line and begrings, distances and gross and net area (acres and square feet) of the percei(s). Only, if part of a larger tract, the area which is the subject of the requested hearing should be in build VICINITY MAP: A vicinity map must be included on all site plans with the scale of 1" * 1,000' MITH SITE CLEARLY AND ACCUMANCE DESCRIPTION

WITH SITE CLEARLY AND ACCURATELY DEPICTED 20HING HEARINGS, C.R.G., WAIVERS; The case number(s), date of the Order(s), what was granted or denied, and any restrictions must be listed and eddressed on the plat

of all prior soning hearings. List any C.B.G. approval dates or maiver numbers and

7. 20170: All sent and district lines on the property sprcel(s) and edjacent property, percel(s) must be seen on the stat. Anciude and mutas in side onten opines of the official - 200' sound map may be obtained in the luming Office. hum led outsity Office Building. Also see note \$27 of this checklist.

OMMERCHIP: Of percei(s) and relation of percei(s) to ed)scent property including rence deed numbers, lot numbers and subdivision names

9. X LOCATION: Street address and name of adjoining street(s) and distance from property corner to the nearest intersecting public street contentions. (Check record plats, state terms, or string maps in house 206, County Office Building)

10. A STREET, WIDEHING, E/W. CASHWESTS; Include all existing public brandary streets with the emisting right-of-way and poving width. ALSO INTIME ANY ALMOYOUT, NO. MAY WIDEHING RESULTED. RITHER BY BALTIMOSE COUNTY DEPARTMENT OF PUBLIC MINES OR THE STREET HIGHMAY ADMINISTRATION. Include any emisting or proposed essenants or rights of ways metere it it is public or private.

11. A USER, SWIDING: Location and proposed use of all buildings on the property Plate of Public hearing sust also show the impation of all uses and structures within the rest of the property. ACCACL Track!

proposed buildings (or additions) on the site including all property lines and

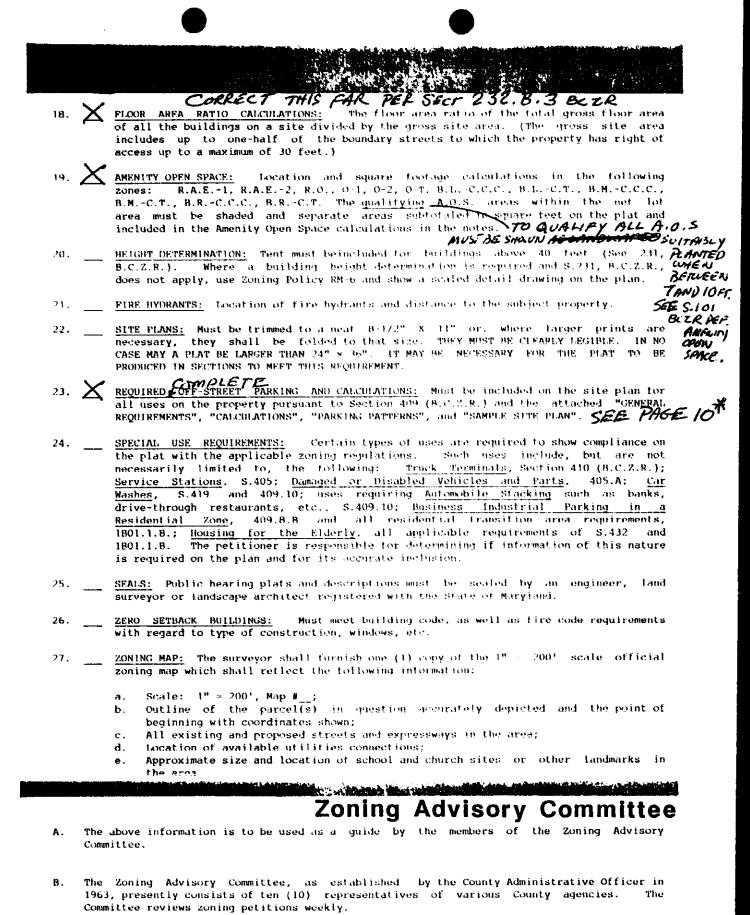
STREET STRACES: And use of all permanent compercial buildings within 100 feet of each side property line to establish average street setback (see Section 101.2, B.C.E.R., and polley 8-2.8).

serues the street. Indicate method - curbing, R/R tice. (For requirements, contact lither Bureau of Treffic Engineering or State Highways.)

19. X stone; All enighter and property, indicating lengting being severy fundamentally and show placement of size on the building make the make the severy language of the severy langu

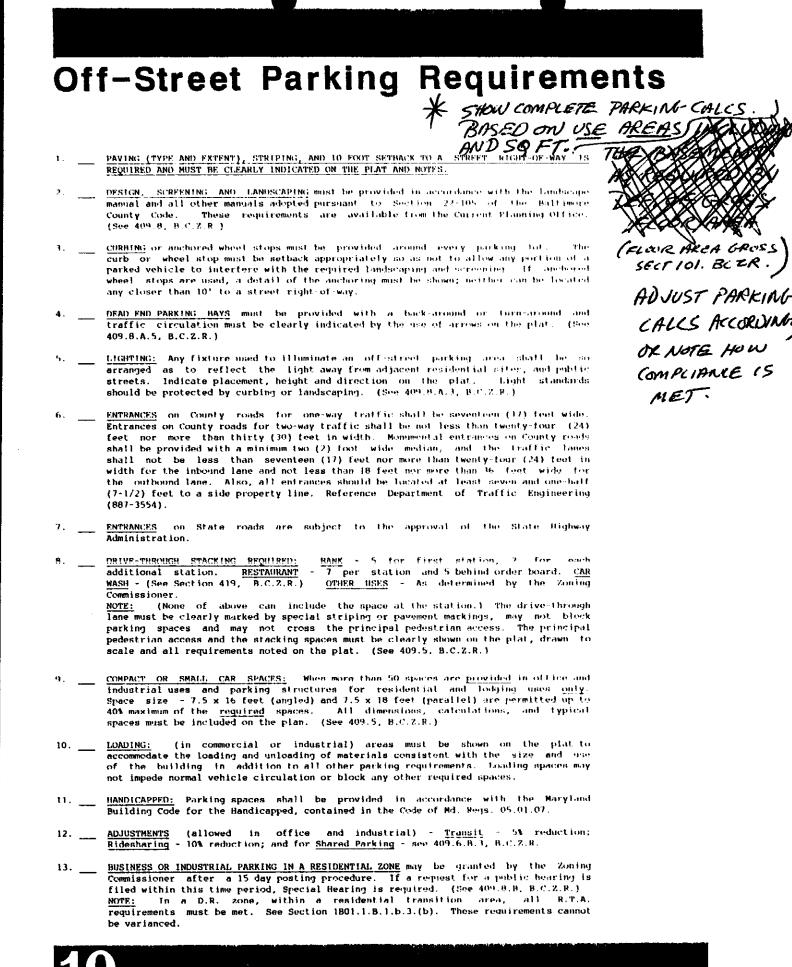
17. ___ PAGENTAL Lanction of streams, storm unter management systems, designings, and pipe systems on or within 80 feet of the property.

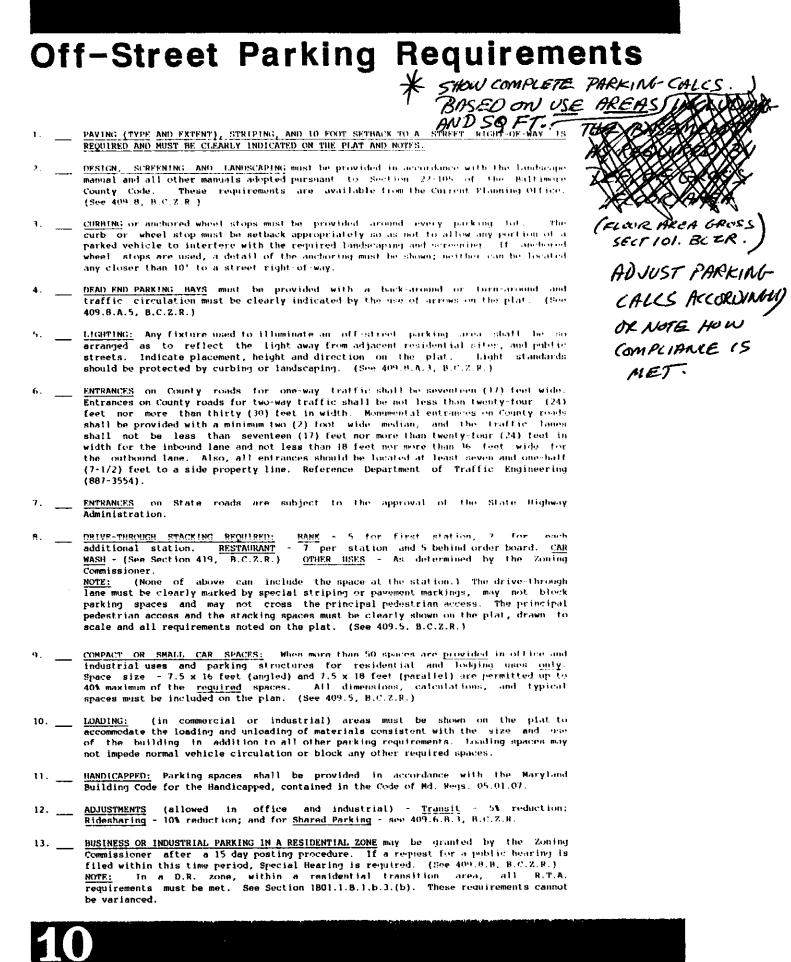
Protection (Record to the c

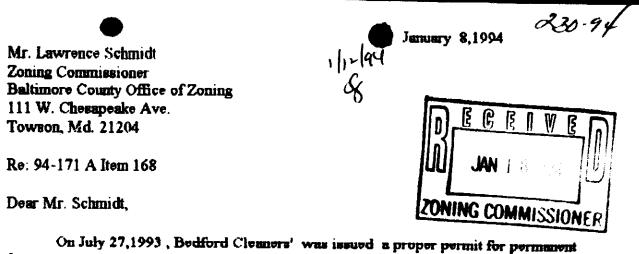


C. The review by the Zoning Advisory Committee is aimed, not at making a judgment on the appropriateness of the zoning action requested, but rather to assure that all agencies are

made aware of plans or problems that may have a bearing on the case.







free standing sign to be located near Bedford Road in front of our store. The permit control number is SI-9451.

Any considerations and provisions concerning case # 94-171 A should take this existing sign into the record.

In particular, with regard to the provision #5 requested by Mr. Rosenbush of the Pikesville Chamber of Commerce, Bedford Cleaners requests that a clear statement be made that Bedford Cleaners already has the right to a freestanding sign, and that any variance granted shall not infringe on rights that are already in place.

Prior to the erection of The Club Center, Clovelly Road ran right past our store. That access has been closed. The Greenies' sign that has already been installed, against existing codes and without prior approval, is a huge illuminated sign that has been installed directly over OUR store with an arrowpointing down toward US. We continually get people taking up OUR parking spaces, looking for THEIR store. Most of the pool hall's customers park for hours, and many of them leave their cars in important customer spaces for the entire day. Lack of accessible spaces has been hampering our business's traffic flow. Bedford Cleaners would like to know what kind of considerations have been made by the petitioners or by other interested parties to guarantee the parking and signage needs of the other storeowners affected by the recent arrival of Greenie's,

The view of our store is completely obscured from the road by the landscaping and our right to signage is imperative. Obviously, easy access in parking spaces relatively near to the doors of our Drycleaning business is also essential.

Your consideration and approval of our requests and concerns is highly appreciated

cc: J. Rudick, Pres.MHL G.Klein, Counc. L.Stahl, Esq.



ZADM

Mr Lawrence Schmidt Zoning Commissioner Baltimore County Office of Zoning 111 W Chessapeake Ave Towson, Md 21204

Re: 94-171 A Item 165

Dear Mr. Schmidt

The Zoning Committee of the Pikesville Chamber of Commerce has had the opportunity to meet with the representative of the petitioner in this case and has reviewed their requests

We find after due consideration that we can support the petitiners request provided the following provisions are written into the granting order

- i) The petitioner should meet with the Baltimore Gas & Electric Co to increase the exterior lighting provided especially on the North side of the building further all tenants of the shopping center should be instructed to keep their signs and the lights on the front of their stores and windows lit until at least il 00 p m each
- 2) In the event that the Parking variance granted is not utilized within a period of two (2 years from the date of its grant, then in that event the variance will cease and the property will revert to its then current underlying zoining and applicable parking regulation Further, in the event the specific use shall cease and a new and different use be utilized, then in that event the variance will cease and the property will revert to its then current underlying zoning and applicable parking regulation
- 3) In the event that any new parking facilities, public or private, are established within 1,000 feet of the subject property, for which there is a charge and which are made available to the public during normal business hours, the Petitioner shall negotiate in good faith and subsequently enter into an agreement which is economically feasible to the Petitioner and which will provide either for a lease, a purchase, a validation program or any similar program which maybe approved by the Zoning Commissioner, to off set the parking variance for the specific use which is being proposed at this time
- 4) With reference to the setback variance from Section 409 8 (4) our support of the petitioners request is based on the following items being written into the granting order. The Petitioner should be required to maintain, on the Reisterstown Rd and Old Court Road frontage, the newly installed planted shrubs and trees of the

ANTHONY J. DIPAULA THOMAS P. DORE ROGER J. SULLIVAN * ALSO ADMITTED TO D. C. BAR

November 16, 1993

COVAHEY & BOOZER, P. A. ATTORNEYS AT LAW

614 BOSLEY AVENUE

TOWSON, MARYLAND 21204

AREA CODE 410

828-9441

FAX 410-823-7530

Ms. Gwendolyn Stephens Office of Zoning Administration and Development Management 111 West Chesapeake Avenue Towson, Maryland 21204

> RE: Case No. 94-171-A Location - 1504 Reisterstown Road

Dear Ms. Stephens:

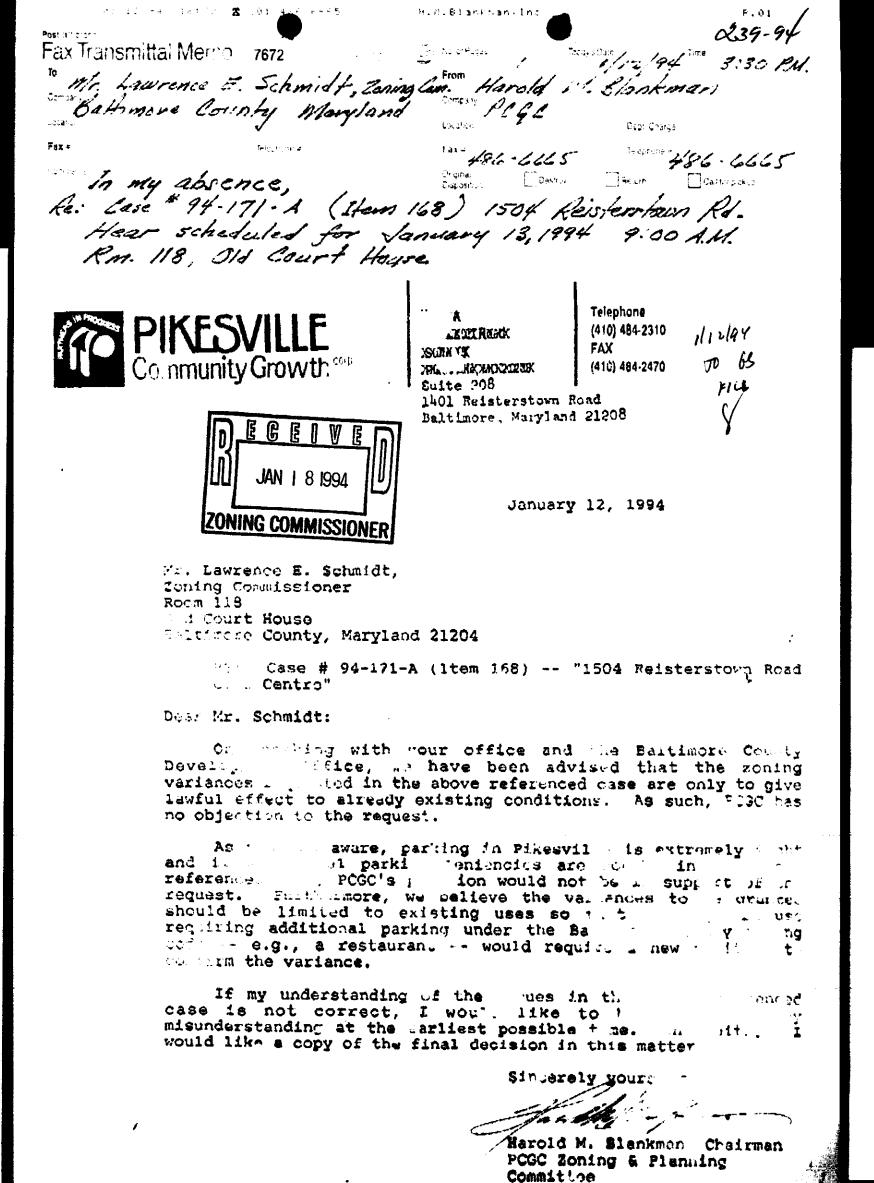
EDWARD C. COVAHEY, JR.

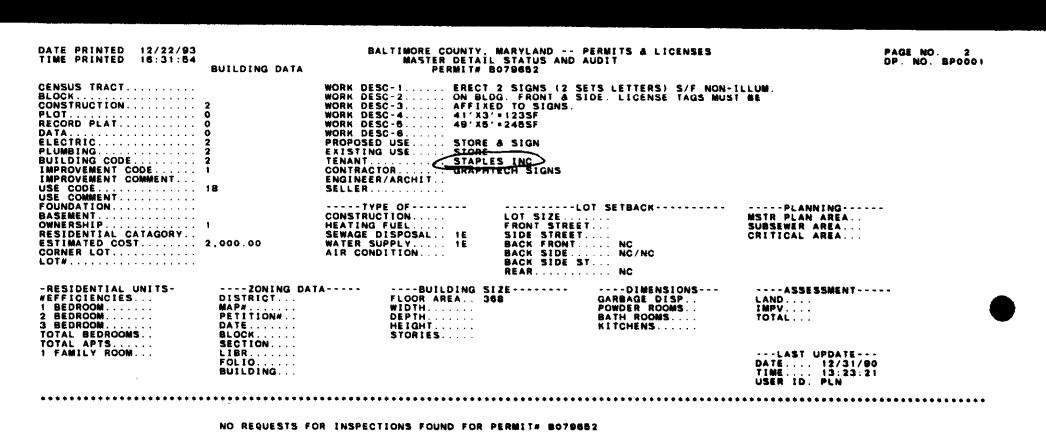
F. VERNON BOOZER *

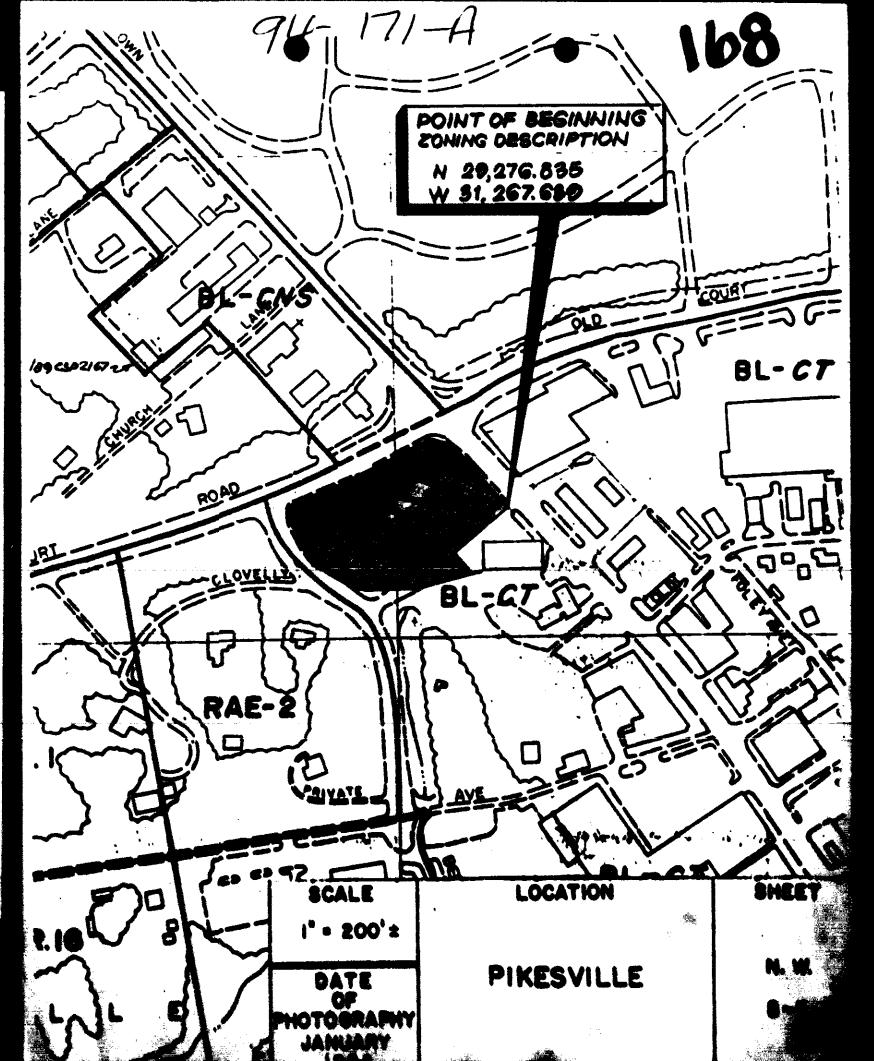
MARK S. DEVAN

Please treat this letter as a formal request on behalf of the undersigned, counsel for the Petitioner, to cancel the Zoning Hearing currently set for Tuesday, November 23, 1993 in regards to the above referenced. The basis for this request is that the newspaper notice did not contain a full description of the zoning variances requested and same must be republished. I will be filing revised material with Mr. John Lewis in your office and at that time, I would request that this matter be reset for a hearing at your office's earliest opportunity. Your cooperation in this matter is greatly appreciated.

16 gab. 13

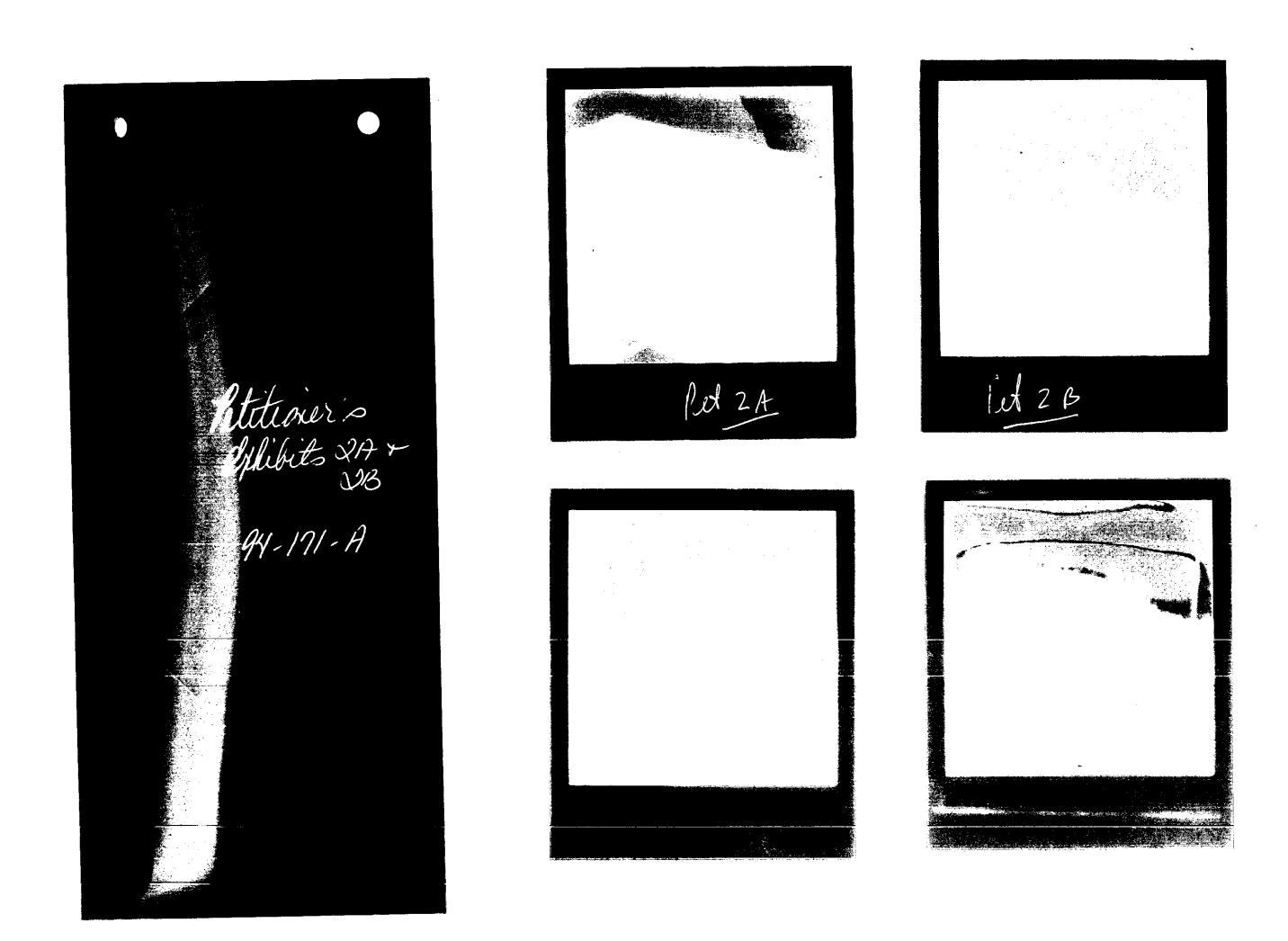






PLEASE PRINT CLEARLY PETITIONER(S) SIGN-IN SHEET		
MARC KOMINS Thomas P. Done Thomas P. Done TERRORE BUDICH (MH. Peally to	ADDRESS 1510 Reisterstown Rd. Balt-MD. 212 614 Rodel Town Rd. Balt-MD. 212 60 For 450 Storenson Md. 2123	

DI FACE DRIVE CLEARLY DROPESTANTI/CL STON IN COMME						
PLEASE PRINT CLEA	PLEASE PRINT CLEARLY PROTESTANT(S) SIGN-IN SHEET					
	NAME	ADDRESS				
Gaba.	el w. Rosenbush de	Pitresulle Chamber of Commence				



	uper
PLEASE PRINT CLEARLY CITIZEN	
CITIZEN	SIGN-IN SHEET
NAME	ADDRESS
Jay Coverillel	1501 Bodford Ave

